



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      O, FF

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for an over-holding tenant, and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They presented oral evidence and confirmed receipt of the material they intended to submit at the hearing.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The rental unit consists of a one bedroom apartment in a multi unit complex. Pursuant to a written agreement, the month to month tenancy started on January 15<sup>th</sup>, 2004. The monthly subsidized rent of \$593.00 was payable on the first of each month, of which the tenant contributes \$200.00. The tenant paid a security deposit in the amount of \$165.27.

In her submissions, the landlord provided in part a copy of the tenant's hand written notice to end the tenancy, effective January 31<sup>st</sup>, 2011.

The landlord testified that on January 29<sup>th</sup>, 2011 the tenant requested an extension of the tenancy because she had not found new accommodations. The landlord declined the request as well as other similar requests, describing in part the tenant's harassment of other tenants in the complex as reason to end the tenancy. The landlord stated that the tenant eventually told the landlord that she was not ready to move out. The landlord said that the tenant was offered venues to assist her with making alternative living arrangements, and made an oral request for an Order of Possession

The tenant did not dispute the landlord's evidence. She testified that she was sick, that she was packed but that she was unable to move today.

### Analysis

Based on the evidence, I find that the tenant served proper notice to end the tenancy, and that the tenancy ended on January 31<sup>st</sup>, 2011. Accordingly, the landlord is entitled to an Order of Possession.

The tenant appeared to have been under the belief that she would be ordered to leave the unit on the date of the hearing. While the Order of Possession will be effective two days from the date the Order is served upon the tenant, the tenancy ended on January 31<sup>st</sup>, 2011 and the tenant has an obligation to move out of the unit forthwith.

Concerning the filing fee, since the landlord was successful, I authorize the landlord to deduct the \$50.00 fee from the tenant's security deposit.

### Conclusion

Pursuant to section 55(3) of the *Residential Tenancy Act*, I grant the landlord an Order of Possession effective two days from the date the Order is served upon the tenant.

If necessary, This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 08, 2011.

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Residential Tenancy Branch